

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 21-cr-20184

vs.

Hon. Matthew F. Leitman
United States District Judge

D1 – MICHAEL FRALEY,
a/k/a “Sarge,”

Defendant.

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MOTION FOR PROTECTIVE ORDER

The United States of America, by and through its counsel, United States Attorney Matthew Schneider, and Assistant United States Attorney Blaine Longworth, moves for a protective order under Federal Rule of Criminal Procedure 16(d) that limits the use and dissemination of certain material and information produced by the government as discovery in this case.

1. Discovery materials produced by the government in this case include documents, reports, and audio and visual recordings.

2. The government seeks to limit the potential dissemination of these materials to the defendant and those representing him in this case. The government predicates this request on concerns for witness safety given the nature of the charges set forth in

the indictment and the defendant's relationship to gang members.

3. The government requests an order providing that disclosure of the discovery materials be limited to: (1) members of the defense team in this case, these being co-counsel, paralegals, investigators, litigation support personnel, the Defendant, and defense secretarial staff; (2) any experts or consultants retained to assist in the preparation of the defense of this case; (3) any potential witnesses interviewed by the defense team in the criminal case if it is determined that it is necessary to display records to such witnesses for the purpose of preparing the defense of this criminal case; and (4) the Court in connection with proceedings in this case.

4. The government requests an order that counsel for the defendant: (a) shall not allow his client, or any other potential witness, to retain any audio or video recordings, or reports related to those recordings, provided in discovery by the government, absent further order by this Court; (b) will take all reasonable steps necessary to ensure that government discovery materials are not improperly disclosed or distributed; and (c) shall destroy or return the government discovery materials upon the conclusion of this matter.

5. Federal Rule of Criminal Procedure 16(d)(1) provides for protective orders that limit the dissemination of discovery in criminal cases: "At any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other

appropriate relief. The court may permit a party to show good cause by a written statement that the court will inspect ex parte. If relief is granted, the court must preserve the entire text of the party's statement under seal.”

6. Under E. D. Mich. LR 7.1(a)(1), I have consulted with defense counsel and he concurs in this motion.

7. A proposed order has been prepared.

WHEREFORE, the government requests that this Honorable Court grant the motion.

FOR THE UNITED STATES OF
AMERICA

SAIMA S. MOHSIN
Acting United States Attorney

s/ Blaine Longworth
Blaine Longworth (P55984)
Assistant United States Attorney
600 Church Street, Flint, MI 48502
810-766-5177

FOR DEFENDANT

s/ Charles Grossmann
Charles Grossmann
Attorney for Michael Fraley

CERTIFICATION OF SERVICE

I hereby certify that on, April 7, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will electronically serve all ECF participants.

s/Jessica Stanton
United States Attorney's Office